IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 24866 of 2005

Between:

K. Cirra Reddy

..... PETITIONER

AND

District Collector,

Prakasam District (Civil Supplies)

Ongole and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the proceedings in Rc.Cs2/3589/2005, dated 09.11.2005 issued by the 1st respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that the petitioner is a fair price shop dealer of K.P.Agraharam village, Veligandla Mandal of Prakasam District. While so, on 30.09.2004 his shop was inspected by the Enforcement Deputy Tahsildar and basing on the report of the Enforcement Officer, stating that he found certain irregularities on the part of the petitioner viz., selling the commodities at higher rates than fixed by the Government and supplying low quantity commodities to the card holders and there is some variation in the stocks available in the shop, the dealership of the petitioner was suspended by proceedings dated 19.11.2004 by the 3rd respondent and simultaneously issued a show cause notice, for which the petitioner submitted his explanation. Further the 3rd respondent passed final orders cancelling the dealership of the petitioner permanently vide his proceedings in R.C.F.2572/2004, dated 09.08.2005. Aggrieved by the said order, the petitioner filed an appeal before the

2nd respondent and the 2nd respondent vide his order in Rc.CS2/3204/2005, dated 29.09.2005, set aside the proceedings of the 3rd respondent dated 09.08.2005. Aggrieved by the same, the

4th respondent herein filed revision before the 1st respondent, and the

1st respondent, considering the charge of selling essential commodities at higher rates and distributing commodities with less weighment are grave in nature, which are proved by the 3rd respondent, granted stay by the impugned proceedings dated 09.11.2005. Questioning the said stay order, the present writ petition is filed.

Admittedly, as against the cancellation of dealership order, an appeal has been filed before the appellate authority and the same is allowed on merits. Unless those findings of the appellate authority are set aside, it may not be just and proper for the revisional authority to grant stay, at the instance of the 4th respondent, who is said to have been not even a card-holder within the jurisdiction of the fair price shop of the petitioner.

Having regard to the facts and circumstances of the case, I deem it appropriate to allow the writ petition, setting aside the impugned proceedings dated 09.11.2005 passed by the 1st respondent. However, the 1st respondent shall consider and dispose of the revision itself, if it is not already disposed of, after giving reasonable opportunity to the petitioner as well as to the 4th respondent, in accordance with law.

With the above observations, the Writ Petition is allowed. No order as to costs.

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V.ESWARAIAH,J

Dated: 22.11.2005

Dsr

Note:

Issue CC in two days

B/o

Dsr